Erosion of Self Regulation?
The Recent Ontario Experience
Psychiatrist’s decades of sex transgressions over

Allegations stretching back to 1987 cost London, Ont. doctor Stanley Dobrowolski his licence — 18 months after he went to jail.
George Doodnaught denied bail after Toronto doctor found guilty of sexually assaulting 21 sedated women

George Doodnaught, 65, was convicted of assaulting the women — aged 25 to 75 — during surgeries while they were semi-conscious. He was sentenced to 10 years in jail.

A veteran anesthesiologist jailed for sexually assaulting 21 sedated women during surgeries has little chance of having his conviction overturned, Ontario’s Appeal Court ruled Wednesday in denying him bail.

In its decision, the court said it would be counter to the public interest to release Dr. George Doodnaught until his appeal is heard, likely next year.
Verdict in doctors’ sex-assault case is disturbing news for many women: DiManno

The case against Amitabh Chauhan and Suganthan Kayilasanathan had an ideal complainant, but it's still open season on women like her, writes Rosie DiManno.
Jian Ghomeshi trial could deter women from reporting sexual assault

Blaming and shaming in high-profile case could stop some women from coming forward.
Ontario appoints task force to review sexual abuse by health professionals

Marilou McPhedran and Roy McMurtry to co-chair review of decades-old legislation that allows some doctors found guilty of abuse to keep practising.
“Every time I testify, the media gets it wrong, yet... every time I read the paper, I believe what I read”

Andrew McCaullum
Former Chief Coroner of Ontario
I am extremely proud of the dedication, expertise and calibre of the professionals who work within Ontario’s health care system. But my top priority as Minister is to protect the safety and well-being of Ontarians, which is why we have asked the task force to take a look at the existing legislation to help prevent and deal with cases of sexual abuse of patients by regulated health professionals.

— The Honourable Dr. Eric Hoskins, Minister of Health and Long-Term Care
Ontario Strengthens Laws to Prevent Sexual Abuse of Patients
*Protecting Patients Act Ensures Health and Safety of Patients and Families*
May 30, 2017 1:00 P.M.

Ontario has reinforced its zero tolerance policy on the sexual abuse of patients by any regulated health professional, and implemented new programs and policies to keep people healthy.
Government ‘ignoring’ key to combating doctor-patient sexual abuse, task force says

As it stands now, the cases go before discipline panels, where the majority of members are from the same profession as the accused health professional.
• MOH has power to determine all aspects of the structure of the decision-making Committees – composition, quorum, eligibility requirements

• Minister may make regulations specifying *how* Colleges investigate and prosecute sexual misconduct cases

• Independent investigative authority “*still on the table*”
Extending the protection

- Expanding the list of revocable acts
- People are deemed to continue to be patients for a minimum of one year after the last professional/patient encounter
Interrupting practice

- ICRC able to make interim order to suspend member prior to a referral to Discipline or FTP
- Suspensions effective before penalty hearings
- Suspensions or revocations in place despite appeal
- Suspensions required in every case
Support for victims

- Automatic funding for therapy - no finding required
  - Funding available from time complaint is made
  - Funding cap ($20,000) not altered
  - No screening of merits of complaint
  - Funding awards may not be taken as a finding that abuse occurred and cannot be considered by any other Committee of the College

- Third party production orders
Transparency

- Disclosing Information to Regulators of LTC and Retirement Homes
- Expansion of Public Register
- Council meeting materials on website
  - Including statutory reason for any materials not provided
Others

• No gender-based restrictions
• Colleges to provide MOH with info so he can evaluate whether we are doing our job properly
  – May appoint supervisor
• Increased fines for failure to make mandatory report
The Ontario Experience: Erosion or Accretion?